## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

## BEAUMONT DIVISION

VS. S CIVIL ACTION NO. 1:00cv707

DIRECTOR, TDCJ-CID §

## MEMORANDUM OPINION AND ORDER

Petitioner Trent Elliot Gibson, an inmate confined at the Texas Department of Criminal Justice, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

## Discussion

Petitioner brings this petition challenging the validity of his state court conviction. The court previously entered an order denying petitioner's motion for full evidentiary hearing without prejudice to reconsidertion upon reassertion following a response by the respondent.

The respondent has responded to petitioner's motion for full evidentiary hearing, as well as motion for reconsideration. The respondent asserts that petitioner's renewed request for an evidentiary hearing related to matters that occurred at the time of petitioner's guilty plea are barred by limitations. Further, the respondent asserts that the applicable statute prohibits granting an evidentiary hearing under the circumstances presented by petitioner. Accordingly, the respondent contends an evidentiary hearing is not necessary.

After due consideration, the court is of the opinion that an evidentiary hearing is neither authorized by statute nor necessary. Additionally, the claims for which petitioner seeks the hearing relating to his guilty plea and placement on deferred adjudication are barred by the applicable one-year limitations period. See 28 U.S.C. §§ 2254(e)(2), 2244. Accordingly, it is

**ORDERED** that petitioner's motion for reconsideration of an evidentiary hearing is **DENIED**.

SIGNED this the 2 day of March, 2010.

Thad Heartfield

United States District Judge